

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SED HOLDINGS, LLC,

Plaintiff

v.

3 STAR PROPERTIES, LLC, *et al*,

Defendants

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Civil Action No. 4:17-CV-1655

(Adversary No. 17-03051)

**Defendant Home Servicing, LLC's Counterclaim
Against SED Holdings, LLC**

TO THE HONORABLE VANESSA GILMORE:

COMES NOW, Home Servicing, LLC, subject to and without waiving its Motion to Dismiss, and files this counterclaim against SED Holdings, LLC.

Parties

1. Plaintiff and Counter-Defendant SED Holdings, LLC is a North Carolina limited liability company with its principal place of business in North Carolina.

2. Defendant and Counter-Plaintiff Home Servicing, LLC is a Louisiana limited liability company with its principal place of business in Louisiana.

Jurisdiction

3. Jurisdiction is based on the removal of state-law claims in connection with an involuntary bankruptcy proceeding initiated against Defendant 3 Star Properties, LLC.

Counterclaim

4. Home Servicing services mortgages. Home Servicing and SED Holdings had an agreement where Home Servicing would service mortgages SED Holdings had an interest in. SED Holdings agreed to pay Home Servicing for its services. Home Servicing performed pursuant to the parties' agreement. But SED Holdings has refused to pay for Home Servicing's services, resulting in damages to Home Servicing. SED Holdings owes the following service fees to Home Servicing:

- April 2016: \$18,037.53
- May 2016: \$15,681.26
- June 2016: \$24,950.06
- July 2016: \$15,253.56
- August 2016: \$25,735.80
- September 2016: \$25,713.32
- October 2016: \$25,220.21
- November 2016: \$25,105.93
- December 2016: \$19,773.67

- January 2017: \$25,166.69
- February 2017: \$24,756.68
- March 2017: \$24,916.85
- April 2017: \$24,655.82
- **TOTAL: \$294,967.38**

5. Home Servicing therefore sues SED Holdings for breach of contract. Home Servicing seeks servicing fees of at least \$294,967.38, plus reasonable and necessary attorney fees, and interest on all amounts due.

6. All conditions precedent to Home Servicing's recovery have been performed, waived, or excused.

Prayer

FOR THESE REASONS, Defendant and Counter-Plaintiff Home Servicing, LLC asks this Court to enter a judgment against SED Holdings, LLC for its actual damages, attorney fees for trial and appeal, prejudgment interest, post-judgment interest, and any other relief to which it is entitled to recover.

{Signature on next page}

Respectfully submitted,

By: /s/ Sean M. Reagan
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ATTORNEYS HOME SERVICING, LLC

Certificate of Service

I certify that a true and correct copy of the foregoing document was served on all parties and their counsel of record through the ECF system on July 28, 2017.

/s/ Sean M. Reagan